

# KM&M

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May 14, 2009

VIA Facsimile 212.805.0426

Honorable Laura Taylor Swain  
United States District Judge  
United States Courthouse - Room 755  
500 Pearl Street  
New York, NY 10007-1312

**MEMO ENDORSED**

Re: Dorn et al. v. Eddington Security, Inc., et al.  
Civil Action No. 08-10271 (LTS)(HP)  
KM&M File No. 04272.6680

Dear Judge Swain:

I write on behalf of Defendant Bovis Lend Lease LMB, Inc. ("Bovis") regarding the ongoing settlement efforts in the above-referenced matter.

At the Court's April 16, 2010 status conference with the parties, the Court allowed counsel for the Plaintiffs and counsel for Defendants Mark Eddington and Eddington Security, Inc. (collectively "Eddington") to meet with the Court on an ex parte basis to explain the preliminary settlement proposals that had arisen from the private mediation session that had taken place on March 16, 2010. Because Bovis had suspended participation in the mediation before the March 16 session occurred, Bovis and I first learned of the other parties' settlement proposals at the April 16 status conference and I did not have the opportunity to speak with the Court ex parte regarding the newly disclosed settlement proposals at the conference. The Court has directed that the litigation of this matter be held informally in abeyance until the parties report to the Court regarding settlement prospects at the next status conference, which is scheduled for June 10, 2010.

At this time, I request leave to submit to the Court a brief letter, ex parte, explaining Bovis' position regarding the settlement proposals on which the parties are negotiating. If the Court grants leave for me to submit an ex parte letter on behalf of Bovis, it will not exceed three pages.

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Counsel for Plaintiffs, Mr. Swartz, and counsel for Eddington, Mr. Healey,  
have been informed of this request and they have no objection to it.

Yours truly,

  
G. Peter Clark

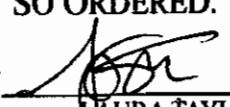
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CC: Justin M. Swartz, Esq.  
William Healey, Esq.  
Linda Christensen-Sjogren, Esq.

*The request is granted.*

SO ORDERED.

NEW YORK, NY

  
May 14, 2009

LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE